**Swearing an affiant for SW**

**From:** Liz Stankewitz <liz@cheboygancounty.net>
**Date:** July 14, 2016 at 11:25:18 AM EDT
**To:** "madcm@googlegroups.com" <madcm@googlegroups.com>
**Subject:** **swearing an affiant for SW**
**Reply-To:** madcm@googlegroups.com

I’d like to know your practices for giving an oath for a SW.  Specifically whether or not you review the affidavit PRIOR to giving the oath and getting the officers signature or reviewing the affidavit, giving the oath, then getting the officers signature.

Here’s my example:  at 2:00am a call comes from an officer that he needs a blood SW.  I tell the officer to fax me the affidavit and SW – unsigned.  I review the affidavit, find PC and then call the officer back. I give the oath and ask the officer to sign the affidavit and resend it to me. I sign that copy, send it back to the agency and then lay in bed for a time hoping I did everything right.

Somewhere along the line, our judge said that we must review the affidavit PRIOR to swearing the officer and them applying their signature.

How are you doing it?  Do you allow the officer to swear and sign before you review?

Thanks for your input.



**From:** Chris Rockafellow <chrisr@cassco.org>
**Date:** July 14, 2016 at 11:28:43 AM EDT
**To:** madcm@googlegroups.com
**Subject:** **Re: swearing an affiant for SW**
**Reply-To:** madcm@googlegroups.com

They read it to us over the phone.  We swear the officer and have him sign before he faxes.  If something needs added or changed, I make them fix it, re-swear them, and resend to me.

----- Original Message -----
From: "Liz Stankewitz" <liz@cheboygancounty.net>
To: madcm@googlegroups.com
Sent: Thursday, July 14, 2016 11:25:18 AM
Subject: swearing an affiant for SW

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**From:** "Michael J. Greer" <greerm@gladwinco.com>
**Date:** July 14, 2016 at 11:29:33 AM EDT
**To:** <madcm@googlegroups.com>
**Subject:** **RE: swearing an affiant for SW**
**Reply-To:** madcm@googlegroups.com

I put them under oath, raised right hand, swear and sign, then email it to me-if it isn’t sufficient, I send back with note(such as sign it, etc.) then have them go thru the process again as needed.  Michael J. Greer 80th gladwin

**From:** madcm@googlegroups.com [mailto:madcm@googlegroups.com] **On Behalf Of**Liz Stankewitz
**Sent:** Thursday, July 14, 2016 11:25 AM
**To:** madcm@googlegroups.com
**Subject:** swearing an affiant for SW

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**From:** Jonathan Morse <jjm@co.newaygo.mi.us>
**Date:** July 14, 2016 at 11:29:30 AM EDT
**To:** "madcm@googlegroups.com" <madcm@googlegroups.com>
**Subject:** **RE: swearing an affiant for SW**
**Reply-To:** madcm@googlegroups.com

First thing I do is swear in the officer and then have them sign the affidavit.  After that, they fax the affidavit to me.  If I do not find probable cause I direct the officer the prosecutor attorney for review.

If I find probable cause – I sign the affidavit and send it back.

For more complex search warrants – I encourage the officer to have the PA review it prior to coming to me.

Jonathan Morse

Magistrate/Deputy Court Administrator

78th District Court

1092 Newell Street

White Cloud, MI  49349

231-689-7256



**From:** Kim Silvestro <K.Silvestro@41BCourt-Mi.US>
**Date:** July 14, 2016 at 11:30:09 AM EDT
**To:** "madcm@googlegroups.com" <madcm@googlegroups.com>
**Subject:** **RE: swearing an affiant for SW**
**Reply-To:** madcm@googlegroups.com

Same at 41B.

 Kim Silvestro

**From:** madcm@googlegroups.com [mailto:madcm@googlegroups.com] **On Behalf Of**Michael J. Greer
**Sent:** Thursday, July 14, 2016 11:30 AM
**To:** madcm@googlegroups.com
**Subject:** RE: swearing an affiant for SW

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**From:** madcm@googlegroups.com [mailto:madcm@googlegroups.com] **On Behalf Of**Liz Stankewitz



**From:** "McKay,Kevin" <kevin.mckay@kentcountymi.gov>
**Date:** July 14, 2016 at 11:35:37 AM EDT
**To:** Members MADCM <madcm@googlegroups.com>
**Subject:** **Re: swearing an affiant for SW**
**Reply-To:** madcm@googlegroups.com

CAO has said (somewhere) that the order of swearing, signing etc is not important as long as it all gets done.  We have them sign it and swear them after we receive it.

Kevin

*Sent from my Verizon Wireless 4G LTE DROIDu,,7hbbbb*



**From:** "McKay,Kevin" <kevin.mckay@kentcountymi.gov>
**Date:** July 14, 2016 at 11:37:22 AM EDT
**To:** Members MADCM <madcm@googlegroups.com>
**Subject:** **Re: swearing an affiant for SW**
**Reply-To:** madcm@googlegroups.com

Sorry, SCAO....we looked into this issue when we began working on an e-warrant project for Summons & Complaints.



**From:** Ken Knowlton <KKnowlton@eatoncounty.org>
**Date:** July 14, 2016 at 11:38:48 AM EDT
**To:** "madcm@googlegroups.com" <madcm@googlegroups.com>
**Subject:** **RE: swearing an affiant for SW**
**Reply-To:** madcm@googlegroups.com

We use the IPad for warrants. It is sent to me and I review it. If it is lengthy I will tell the officer to call back in 10 minutes or so, if it is a blood warrant I keep him on the line. I read the warrant and if I establish PC I have him swear to the warrant. I sign it electronically and resend back to the officer. I hold him on the line until he confirms he has a signed (by me) warrant on his end he prints it out and signs it. Process takes about 5 minutes total ( I am barely awake if it’s 3am) Our county requires prosecutor approval before it is sent to me.

**From:** madcm@googlegroups.com [mailto:madcm@googlegroups.com] **On Behalf Of**Kim Silvestro
**Sent:** Thursday, July 14, 2016 11:30 AM
**To:** madcm@googlegroups.com
**Subject:** RE: swearing an affiant for SW

Same at 41B.

Kim Silvestro

**From:** madcm@googlegroups.com [mailto:madcm@googlegroups.com] **On Behalf Of**Michael J. Greer
**Sent:** Thursday, July 14, 2016 11:30 AM
**To:** madcm@googlegroups.com
**Subject:** RE: swearing an affiant for SW

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**From:** madcm@googlegroups.com [mailto:madcm@googlegroups.com] **On Behalf Of**Liz Stankewitz
**Sent:** Thursday, July 14, 2016 11:25 AM
**To:** madcm@googlegroups.com
**Subject:** swearing an affiant for SW

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How are you doing it?  Do you allow the officer to swear and sign before you review?

Thanks for your input.

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Visit this group at <https://groups.google.com/group/madcm>.
For more options, visit <https://groups.google.com/d/optout>.

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To post to this group, send email to madcm@googlegroups.com.
Visit this group at <https://groups.google.com/group/madcm>.
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**From:** "Mark Books" <booksm@stjosephcountymi.org>
**Date:** July 14, 2016 at 12:05:42 PM EDT
**To:** <madcm@googlegroups.com>
**Subject:** **RE: swearing an affiant for SW**
**Reply-To:** madcm@googlegroups.com

We do the same as Chris.  Read it to us over the phone, swear to it , sign it and send it to us.



**From:** "Altheide, Dena" <DAltheide@co.genesee.mi.us>
**Date:** July 14, 2016 at 12:06:26 PM EDT
**To:** "'madcm@googlegroups.com'" <madcm@googlegroups.com>
**Subject:** **RE: swearing an affiant for SW**
**Reply-To:** madcm@googlegroups.com

Same in Genesee County.

Dena Altheide

Director of Court Operations

67th District Court

(810) 257-3181

Fax: (810) 237-6177

**From:** madcm@googlegroups.com [mailto:madcm@googlegroups.com] **On Behalf Of**Mark Books
**Sent:** Thursday, July 14, 2016 12:06 PM
**To:** madcm@googlegroups.com
**Subject:** RE: swearing an affiant for SW

We do the same as Chris.  Read it to us over the phone, swear to it , sign it and send it to us.



**From:** "Michael J. Greer" <greerm@gladwinco.com>
**Date:** July 14, 2016 at 12:15:56 PM EDT
**To:** <madcm@googlegroups.com>
**Subject:** **RE: swearing an affiant for SW**
**Reply-To:** madcm@googlegroups.com

It probably would make a difference if you review and sign it before they swear and sign it, as you can only rely on the four corners of the document.  If you swear them after you’ve received the signed affidavit, you are just affirming their signature and oath.   mjg

**From:** madcm@googlegroups.com [mailto:madcm@googlegroups.com] **On Behalf Of**McKay,Kevin
**Sent:** Thursday, July 14, 2016 11:36 AM
**To:** Members MADCM <madcm@googlegroups.com>
**Subject:** Re: swearing an affiant for SW



**From:** "White, Michele" <WhiteM@ci.kentwood.mi.us>
**Date:** July 14, 2016 at 12:27:01 PM EDT
**To:** "madcm@googlegroups.com" <madcm@googlegroups.com>
**Subject:** **RE: swearing an affiant for SW**
**Reply-To:** madcm@googlegroups.com

We give the oath to the officers in over the telephone, have them read the affidavit, determine probable cause, have them sign and fax.  Once we receive the SW we read the affidavit ourselves, finalize determination, date, sign and fax back.  This saves extra time and calls.

Thanks,

Michele White

Court Administrator/Magistrate

62 B District Court

Telephone: 616-554-0715

Fax: 616-698-8199

 **From:** madcm@googlegroups.com [mailto:madcm@googlegroups.com] **On Behalf Of**Liz Stankewitz
**Sent:** Thursday, July 14, 2016 11:25 AM
**To:** madcm@googlegroups.com
**Subject:** swearing an affiant for SW

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| --- | --- | --- | --- | --- | --- |
| **From:** Sheldonlarky via MADCM <madcm@googlegroups.com>**Date:** July 14, 2016 at 11:42:19 AM EDT**To:** madcm@googlegroups.com**Subject:** **Affidvait for SW****Reply-To:** madcm@googlegroups.comI swear the officer, tell her or him to send me the affidavit signed. I review it. If it's okay, I sign and send it back to the officer. If I don't like it, I notify the officer to correct the document, and do the process over again. Shel Larky52-4 District CourtBegin forwarded message:**From:** "Scherr, Barbara" <BScherr@ci.livonia.mi.us>**Date:** July 14, 2016 at 11:45:43 AM EDT**To:** "madcm@googlegroups.com" <madcm@googlegroups.com>**Subject:** **RE: Affidvait for SW****Reply-To:** madcm@googlegroups.comMe too.  **From:** Sheldonlarky via MADCM [mailto:madcm@googlegroups.com] **Sent:** Thursday, July 14, 2016 11:42 AM**To:** madcm@googlegroups.com**Subject:** Affidvait for SW I swear the officer, tell her or him to send me the affidavit signed. I review it. If it's okay, I sign and send it back to the officer. If I don't like it, I notify the officer to correct the document, and do the process over again.https://ssl.gstatic.com/ui/v1/icons/mail/images/cleardot.gif

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Begin forwarded message:**From:** Marie Soma <somamerson66@att.net>**Date:** July 14, 2016 at 11:56:17 AM EDT**To:** madcm@googlegroups.com**Subject:** **Re: Affidvait for SW****Reply-To:** madcm@googlegroups.comGet call, swear in, have send over signed affidavit.  If no issues, sign and send back.  If issues, contact officer and start over.Marie Soma52-3 District Court*Sent from my Verizon Wireless 4G LTE Droid* |